

PUBLIC CHAPTER NO. 427**HOUSE BILL NO. 1206****By Representatives Pinion, Fraley, Harmon****Substituted for: Senate Bill No. 607****By Senator Woodson**

AN ACT to amend Tennessee Code Annotated, Title 54, Chapter 21, relative to billboard regulation and control.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 54-21-102, is amended by inserting the following language as a new, appropriately numbered subdivision:

() "Customary maintenance" means maintenance of a non-conforming outdoor advertising device, which may include, but shall not exceed, the replacement of the sign face and stringers in like materials, and the replacement in like materials of up to fifty percent (50%) of the device's poles, posts or other support structures, provided that the replacement of any poles, posts or other support structures is limited to one (1) time within a twenty-four (24) month period;

SECTION 2. Tennessee Code Annotated, Section 54-21-102, is further amended by inserting the following language as a new, appropriately numbered subdivision:

() "Destroyed" means, with respect to a non-conforming outdoor advertising device, that more than fifty percent (50%) of the device's poles, posts or other support structures are damaged to the extent that they will no longer support the sign face;

SECTION 3. Tennessee Code Annotated, Title 54, Chapter 21, Part 1, is amended by adding the following language as a new section:

§54-21-1___. A non-conforming outdoor advertising device that is destroyed shall no longer be permitted and must be removed, except when such device is destroyed by vandalism or some other criminal or tortious act.

SECTION 4. Tennessee Code Annotated, Section 54-21-104, is amended in subsection (b) by deleting the subsection in its entirety and by substituting instead the following language:

(b) Permits and tags shall not be issued until applications are made in accordance with and on forms provided by the commissioner and accompanied by payment of a fee of two hundred dollars (\$200) for each permit and tag requested. This fee shall represent payment for the required tag and for the first annual permit and will not be subject to return upon rejection of any application.

SECTION 5. Tennessee Code Annotated, Section 54-21-104, is further amended in subsection (c) by deleting the subsection in its entirety and by substituting instead the following language:

(c) All tags issued shall be permanent; however, permits shall be renewed annually between November 1 and December 31, and the commissioner shall charge the sum of forty dollars (\$40.00) for 2008, fifty dollars (\$50.00) for 2009, sixty dollars (\$60.00) for 2010, and seventy dollars (\$70.00) for 2011 and thereafter for annual renewal of each permit.

SECTION 6. Tennessee Code Annotated, Section 54-21-104, is further amended in subsection (e) by deleting the subsection in its entirety and by substituting instead the following language:

(e) For each replacement tag issued, the commissioner shall deliver to the applicant a serially numbered permit tag. The cost of this replacement tag will be twenty-five dollars (\$25.00), payable at the time of request.

SECTION 7. Tennessee Code Annotated, Section 54-21-104, is further amended in subsection (f) by deleting the language "two dollar (\$2.00) transfer fee" and by substituting instead the language "ten dollar (\$10.00) transfer fee".

SECTION 8. Tennessee Code Annotated, Section 54-21-106, is amended by deleting the section in its entirety and by substituting instead the following language:

§54-21-106. All fees received by the commissioner under the provisions of § 54-21-104 shall be paid into the state treasury and placed in the highway fund for the administration of this chapter, and any fees received in excess of said administration costs shall be allocated for the purpose of funding litter prevention education programs administered by the department of transportation.

SECTION 9. Tennessee Code Annotated, Section 54-21-121(b), is amended by deleting the subsection in its entirety and by substituting instead the following language:

(b) The holder of a legal permit under subsection (a) may move the device to a new location, if such location is otherwise eligible for a permit.

SECTION 10. This act shall take effect July 1, 2007, the public welfare requiring it.

PASSED: May 31, 2007



JIMMY NAIFEH, SPEAKER
HOUSE OF REPRESENTATIVES



RON RAMSEY
SPEAKER OF THE SENATE

APPROVED this 13th day of June 2007



PHIL BREDESEN, GOVERNOR